

CHAPTER 42 PET FOOD

[Prior to 7/27/88 see Agriculture Department 30—Ch 7]

21—42.1(198) Definitions and terms.

“Association of American Feed Control Officials” shall include the 1974 official publication of the American Feed Control Officials, Incorporated, copyrighted in 1973.

“Immediate container” means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

“Ingredient statements” means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

“Principal display panel” means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

21—42.2(198) Label format and labeling.

42.2(1) The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

42.2(2) The declaration of the net content shall be made in conformity with the United States “Fair Packaging and Labeling Act” and the regulations promulgated thereunder.

42.2(3) The information which is required to appear in the “Guaranteed Analysis” shall be listed in the following order:

Crude protein (Minimum amount)

Crude fat (Minimum amount)

Crude fiber (Maximum amount)

Moisture (Maximum amount)

Additional guarantees shall follow moisture.

42.2(4) The label of a pet food shall specify the name and address of the manufacturer, packer, or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.

42.2(5) If a person manufactures, packages, or distributes a pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

42.2(6) A vignette, graphic or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

42.2(7) The use of the word “proven” in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as “proven” is available.

42.2(8) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

42.2(9) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

42.2(10) When a pet food is enclosed in an outer container or wrapper which is intended for retail sale, all required label information must appear on such outside wrapper or container unless all of the required label information is readily legible through apertures or transparencies in such outside container or wrapper.

42.2(11) The words “Dog Food”, “Cat Food”, or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

42.2(12) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

a. Contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences or,

b. Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplementary feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

42.2(13) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

a. In conjunction with a statement of the limited purpose for which the product is intended or suitable (as, for example, in the statement “a complete food for puppies”). Such representations and such required qualification therefor shall be juxtaposed on the same panel and in the same size, style and color print; and

b. Such qualified representations may appear on pet food labels only if:

(1) The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences for such limited or qualified purpose; or

(2) The pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

42.2(14) Except as specified by 42.3(1), the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

21—42.3(198) Brand and product names.

42.3(1) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method, or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word “flavor” shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived.

Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.

42.3(2) The designation “100%” or “All” or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

42.3(3) The term “meat” and “meat by-products” shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats. For example, “horsemeat” and “horsemeat by-products.”

42.3(4) The name of the pet food shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by 42.3(1), (5), or (6); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

a. The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

b. It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

c. It is not otherwise false or misleading.

42.3(5) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided, that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print.

42.3(6) When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes at least 25% but less than 95% of the total weight of all ingredients of a pet food mixture the name or names of such ingredient or ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term such as "meatballs" or "fishcakes" so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. All such ingredient names and the primary descriptive term shall be in the same size, style and color print.

42.3(7) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with 42.3(1), (4), (5), or (6).

21—42.4(198) Expression of guarantees.

42.4(1) The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.

42.4(2) Pursuant to Iowa Code section 198.5(1) "c," pet foods containing 6½% or more of mineral elements, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if added, the minimum and maximum percentages of salt (NaCl). All other minerals, when quantitatively guaranteed, shall be expressed as the element in units of measurement established by a recognized authority on animal nutrition such as the National Research Council.

42.4(3) Pursuant to Iowa Code section 198.5(1) "c," the label of pet food which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition such as the National Research Council.

42.4(4) The vitamin potency of pet food products distributed in containers smaller than one pound may be guaranteed in approved units per ounce.

42.4(5) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority on animal nutrition such as the National Research Council. The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

21—42.5(198) Ingredients.

42.5(1) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78.00%.

42.5(2) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in nonquantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

42.5(3) The term “dehydrated” may precede the name of any ingredient in the ingredient list that has artificially dried.

42.5(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

21—42.6(198) Directions for use. The label of a pet food product which is suitable only for intermittent or supplemental feeding or for some other limited purpose shall:

42.6(1) Bear a clear and conspicuous disclosure to that effect; or

42.6(2) Contain specific feeding directions which clearly state that the product should be used only in conjunction with other foods.

21—42.7(198) Drugs and pet food additives.

42.7(1) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.

42.7(2) Prior to approval of a registration application or approval of a label for pet food, which contains additives, (including drugs, other special purpose additives, or nonnutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

a. When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are “prior sanctioned” or “generally recognized as safe” for such use or;

b. When the pet food itself is a drug as defined in Iowa Code section 198.3(7) and is generally recognized as safe and effective for label use or is marketed subject to the application approved by the Food and Drug Administration under Title 21, U.S.C. 355 or 357.

42.7(3) The medicated labeling format recommended by the Association of American Feed Control Officials shall be used to ensure that adequate labeling is provided.

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